



House of Representatives

General Assembly

File No. 587

February Session, 2014

Substitute House Bill No. 5388

House of Representatives, April 16, 2014

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PENALTY FOR ASSAULT OF FIRE MARSHALS, DEPUTY FIRE MARSHALS, FIRE INSPECTORS, BUILDING OFFICIALS AND ASSISTANT BUILDING OFFICIALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-167c of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2014*):

4 (a) A person is guilty of assault of public safety, emergency medical,
5 public transit or health care personnel when, with intent to prevent a
6 reasonably identifiable peace officer, special policeman appointed
7 under section 29-18b, motor vehicle inspector designated under section
8 14-8 and certified pursuant to section 7-294d, firefighter or employee of
9 an emergency medical service organization, as defined in section 53a-3,
10 fire marshal, deputy fire marshal or fire inspector, building official
11 appointed pursuant to section 29-260, assistant building official,
12 emergency room physician or nurse, health care employee as defined
13 in section 19a-490q, employee of the Department of Correction,

14 member or employee of the Board of Pardons and Paroles, probation
15 officer, employee of the Judicial Branch assigned to provide pretrial
16 secure detention and programming services to juveniles accused of the
17 commission of a delinquent act, liquor control agent, employee of the
18 Department of Children and Families assigned to provide direct
19 services to children and youths in the care or custody of the
20 department, employee of a municipal police department assigned to
21 provide security at the police department's lockup and holding facility,
22 active individual member of a volunteer canine search and rescue
23 team, as defined in section 5-249, or public transit employee from
24 performing his or her duties, and while such peace officer, special
25 policeman, motor vehicle inspector, firefighter, employee, fire marshal,
26 deputy fire marshal, fire inspector, building official, assistant building
27 official, physician, nurse, health care employee, member, liquor control
28 agent, probation officer or active individual member is acting in the
29 performance of his or her duties, (1) such person causes physical injury
30 to such peace officer, special policeman, motor vehicle inspector,
31 firefighter, employee, fire marshal, deputy fire marshal, fire inspector,
32 building official, assistant building official, physician, nurse, member,
33 liquor control agent, probation officer or active individual member, or
34 (2) such person throws or hurls, or causes to be thrown or hurled, any
35 rock, bottle, can or other article, object or missile of any kind capable of
36 causing physical harm, damage or injury, at such peace officer, special
37 policeman, motor vehicle inspector, firefighter, employee, fire marshal,
38 deputy fire marshal, fire inspector, building official, assistant building
39 official, physician, nurse, member, liquor control agent, probation
40 officer or active individual member, or (3) such person uses or causes
41 to be used any mace, tear gas or any like or similar deleterious agent
42 against such peace officer, special policeman, motor vehicle inspector,
43 firefighter, employee, fire marshal, deputy fire marshal, fire inspector,
44 building official, assistant building official, physician, nurse, member,
45 liquor control agent, probation officer or active individual member, or
46 (4) such person throws or hurls, or causes to be thrown or hurled, any
47 paint, dye or other like or similar staining, discoloring or coloring
48 agent or any type of offensive or noxious liquid, agent or substance at

49 such peace officer, special policeman, motor vehicle inspector,
 50 firefighter, employee, fire marshal, deputy fire marshal, fire inspector,
 51 building official, assistant building official, physician, nurse, member,
 52 liquor control agent, probation officer or active individual member, or
 53 (5) such person throws or hurls, or causes to be thrown or hurled, any
 54 bodily fluid including, but not limited to, urine, feces, blood or saliva
 55 at such peace officer, special policeman, motor vehicle inspector,
 56 firefighter, employee, fire marshal, deputy fire marshal, fire inspector,
 57 building official, assistant building official, physician, nurse, member,
 58 liquor control agent, probation officer or active individual member.
 59 For the purposes of this section, "public transit employee" means a
 60 person employed by the state, a political subdivision of the state, a
 61 transit district formed under chapter 103a or a person with whom the
 62 Commissioner of Transportation has contracted in accordance with
 63 section 13b-34 to provide transportation services who operates a
 64 vehicle or vessel providing public rail service, ferry service or fixed
 65 route bus service or performs duties directly related to the operation of
 66 such vehicle or vessel.

67 (b) Assault of public safety, emergency medical, public transit or
 68 health care personnel is a class C felony. If any person who is confined
 69 in an institution or facility of the Department of Correction is
 70 sentenced to a term of imprisonment for assault of an employee of the
 71 Department of Correction under this section, such term shall run
 72 consecutively to the term for which the person was serving at the time
 73 of the assault.

74 (c) In any prosecution under this section involving assault of a
 75 health care employee, as defined in section 19a-490q, it shall be a
 76 defense that the defendant is a person with a disability as described in
 77 subdivision (13), (15) or (20) of section 46a-51 and the defendant's
 78 conduct was a clear and direct manifestation of the disability.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	53a-167c

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Statement of Legislative Commissioners:

In section 1(a) the phrase "assistant building official" was moved for internal accuracy.

PS *Joint Favorable C/R*

JUD

JUD *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Correction, Dept.	GF - Potential Cost	See Below	See Below

Municipal Impact: None

Explanation

The bill, which expands assault of public safety personnel to include fire marshals and building officials, results in a potential cost to the Department of Correction. On average, 350 offenders are convicted or accept plea deals under this statute annually. A majority of those cases result in a prison sentence longer than one year. On average, it costs the agency \$50,690 (including benefits) to incarcerate an offender each year.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Judicial Department Offenses and Revenue Database

OLR Bill Analysis**sHB 5388*****AN ACT CONCERNING THE PENALTY FOR ASSAULT OF FIRE MARSHALS, DEPUTY FIRE MARSHALS, FIRE INSPECTORS, BUILDING OFFICIALS AND ASSISTANT BUILDING OFFICIALS.*****SUMMARY:**

This bill makes assault of a fire or building official a class C felony and one of the serious felonies requiring the person arrested, when requested by the arresting law enforcement agency, to provide a DNA sample if he or she had previously been convicted of a felony and did not provide a sample (see BACKGROUND). A class C felony is punishable by one to 10 years imprisonment, a fine of up to \$10,000, or both. This is the same penalty, under existing law, for assaulting specified public safety, emergency medical, public transit, or health care personnel.

A person commits the crime under the bill if he or she does any of the following to a reasonably identifiable fire marshal, deputy fire marshal, fire inspector, building official, or assistant building official performing his or her duties to prevent him or her from performing them:

1. causes physical injury;
2. throws objects capable of causing harm;
3. uses tear gas, mace, or a similar harmful agent;
4. throws paint, dye, or any other offensive substance; or
5. throws bodily fluid, such as feces, blood, or saliva.

EFFECTIVE DATE: October 1, 2014

ASSAULT OF CERTAIN PUBLIC SAFETY AND OTHER PERSONNEL

By law, it is a class C felony to assault, as defined in the bill, any of certain reasonably identifiable people performing their duties, with intent to prevent them from doing so. These include peace officers, appointed special policemen, motor vehicle inspectors, emergency room physicians or nurses, Board of Pardons and Paroles employees, certain Judicial Branch employees, probation officers, liquor control agents, and public transit employees.

BACKGROUND***Serious Felonies***

By law, whenever anyone is arrested for a serious felony, the arresting law enforcement agency, within available resources, must require the arrested person to submit a DNA sample before release from custody if he or she was previously convicted of a felony and did not provide a sample (CGS § 54-102g). Under the law, serious felonies include the following C felonies: 2nd degree manslaughter (CGS § 53a-56), 2nd degree burglary (CGS § 53a-102), 2nd degree robbery (CGS § 53a-135), and 2nd degree manslaughter with a motor vehicle (CGS § 53a-56b).

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Change of Reference

Yea 23 Nay 1 (03/11/2014)

Judiciary Committee

Joint Favorable

Yea 40 Nay 0 (04/02/2014)